

THURSDAY, APRIL 1, 1999

FOURTH LEGISLATIVE DAY

FIRST EXTRAORDINARY SESSION

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative McDonald.

Representative McDonald led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Jackson; personal reasons.

Representative McAfee; illness.

Representative Odom; personal reasons.

Representative Phillips; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 15: Rep(s). Armstrong as prime sponsor(s).

**MESSAGE FROM THE SENATE
April 1, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 27; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 27 -- Naming and Designating - Dedication of Dr. Charles C. Sherrod Library, East Tennessee State University. by *Crowe, *Ramsey.

**MESSAGE FROM THE SENATE
April 1, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 29; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 1 -- Memorials, Retirement - Charles N. Nunley. by *Cooper, *Womack.

Senate Joint Resolution No. 3 -- Memorials, Personal Achievement - Ashley Clark, 1999 Miss Tennessee Teen All-American. by *Womack, *Harper.

Senate Joint Resolution No. 4 -- Memorials, Public Service - Garland DeLozier, Distinguished Service Award, Tennessee Farm Bureau Federation. by *Clabough, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 5 -- Memorials, Retirement - Stanley Shields, Mayor of Maryville. by *Clabough.

Senate Joint Resolution No. 6 -- Memorials, Professional Achievement - Layton Humbert. by *Crowe.

Senate Joint Resolution No. 7 -- Memorials, Academic Achievement - Robert Pruitt, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 8 -- Memorials, Sports - John Miller Sr., TSSAA Hall of Fame. by *Kurita, *Springer.

Senate Joint Resolution No. 9 -- Memorials, Academic Achievement - Susan Martin, Salutatorian, Stewart County High School. by *Kurita.

Senate Joint Resolution No. 10 -- Memorials, Academic Achievement - Jacquelynn McDonough, Salutatorian, Houston City High School. by *Kurita.

Senate Joint Resolution No. 11 -- Memorials, Academic Achievement - Michael Wood, Valedictorian, Clarksville Academy. by *Kurita.

Senate Joint Resolution No. 12 -- Memorials, Academic Achievement - Jay Smith, Salutatorian, Clarksville Academy. by *Kurita.

Senate Joint Resolution No. 13 -- Memorials, Academic Achievement - Michael David Bleakley, Valedictorian, Northeast High School. by *Kurita.

Senate Joint Resolution No. 14 -- Memorials, Academic Achievement - Jamie Worden, 1999 Salutatorian, Northeast High School. by *Kurita.

Senate Joint Resolution No. 15 -- Memorials, Academic Achievement - Nicole Adams, Valedictorian, Houston County High School. by *Kurita.

Senate Joint Resolution No. 16 -- Memorials, Academic Achievement - Joshua Wade Sullivan, Salutatorian, Northwest High School. by *Kurita.

Senate Joint Resolution No. 17 -- Memorials, Academic Achievement - Melanie Ann Gjellstad, Valedictorian, Northwest High School. by *Kurita.

Senate Joint Resolution No. 18 -- Memorials, Academic Achievement - Sheryl Umayam, 1999 Valedictorian, Kenwood High School. by *Kurita.

Senate Joint Resolution No. 19 -- Memorials, Sports - Matt McCarty, Clarksville High School wrestler. by *Kurita.

Senate Joint Resolution No. 20 -- Memorials - Honors Africans who died in the Middle Passage. by *Ford J, *Dixon, *Harper, *Herron.

Senate Joint Resolution No. 29 -- Memorials, Personal Occasion - Bob and Nell McCall, 50th Wedding Anniversary. by *Springer, *Blackburn.

MESSAGE FROM THE SENATE

April 1, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 25; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 25 -- Memorials, Public Service - Kathleen Durrett Hale, White House Citizen of the Year. by *Graves.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 5, 1999:

House Joint Resolution No. 16 -- Memorials, Recognition and Thanks - Sullivan North High School Naval Junior Reserve Officers Training Corp cadets. by *Godsey.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 5, 1999:

Senate Joint Resolution No. 1 -- Memorials, Retirement - Charles N. Nunley. by *Cooper, *Womack.

Senate Joint Resolution No. 3 -- Memorials, Personal Achievement - Ashley Clark, 1999 Miss Tennessee Teen All-American. by *Womack, *Harper.

Senate Joint Resolution No. 4 -- Memorials, Public Service - Garland DeLozier, Distinguished Service Award, Tennessee Farm Bureau Federation. by *Clabough, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 5 -- Memorials, Retirement - Stanley Shields, Mayor of Maryville. by *Clabough.

Senate Joint Resolution No. 6 -- Memorials, Professional Achievement - Layton Humbert. by *Crowe.

Senate Joint Resolution No. 7 -- Memorials, Academic Achievement - Robert Pruitt, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 8 -- Memorials, Sports - John Miller Sr., TSSAA Hall of Fame. by *Kurita, *Springer.

Senate Joint Resolution No. 9 -- Memorials, Academic Achievement - Susan Martin, Salutatorian, Stewart County High School. by *Kurita.

Senate Joint Resolution No. 10 -- Memorials, Academic Achievement - Jacquelynn McDonough, Salutatorian, Houston City High School. by *Kurita.

Senate Joint Resolution No. 11 -- Memorials, Academic Achievement - Michael Wood, Valedictorian, Clarksville Academy. by *Kurita.

Senate Joint Resolution No. 12 -- Memorials, Academic Achievement - Jay Smith, Salutatorian, Clarksville Academy. by *Kurita.

Senate Joint Resolution No. 13 -- Memorials, Academic Achievement - Michael David Bleakley, Valedictorian, Northeast High School. by *Kurita.

Senate Joint Resolution No. 14 -- Memorials, Academic Achievement - Jamie Worden, 1999 Salutatorian, Northeast High School. by *Kurita.

Senate Joint Resolution No. 15 -- Memorials, Academic Achievement - Nicole Adams, Valedictorian, Houston County High School. by *Kurita.

Senate Joint Resolution No. 16 -- Memorials, Academic Achievement - Joshua Wade Sullivan, Salutatorian, Northwest High School. by *Kurita.

Senate Joint Resolution No. 17 -- Memorials, Academic Achievement - Melanie Ann Gjellstad, Valedictorian, Northwest High School. by *Kurita.

Senate Joint Resolution No. 18 -- Memorials, Academic Achievement - Sheryl Umayam, 1999 Valedictorian, Kenwood High School. by *Kurita.

Senate Joint Resolution No. 19 -- Memorials, Sports - Matt McCarty, Clarksville High School wrestler. by *Kurita.

Senate Joint Resolution No. 20 -- Memorials - Honors Africans who died in the Middle Passage. by *Ford J, *Dixon, *Harper, *Herron.

Senate Joint Resolution No. 25 -- Memorials, Public Service - Kathleen Durrett Hale, White House Citizen of the Year. by *Graves.

Senate Joint Resolution No. 29 -- Memorials, Personal Occasion - Bob and Nell McCall, 50th Wedding Anniversary. by *Springer, *Blackburn.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 7** -- Taxes -- House Finance, Ways & Means Committee

***House Bill No. 8** -- Taxes -- House Finance, Ways & Means Committee

House Bill No. 9 -- Taxes, Exemption -- House Finance, Ways & Means Committee

House Bill No. 10 -- Taxes, Franchise -- House Finance, Ways & Means Committee

House Bill No. 11 -- Taxes -- House Finance, Ways & Means Committee

House Bill No. 12 -- Taxes -- House Finance, Ways & Means Committee

House Bill No. 13 -- Taxes -- House Finance, Ways & Means Committee

House Bill No. 14 -- Taxes, Privilege -- House Finance, Ways & Means Committee

***House Bill No. 15** -- Taxes, Exemption -- House Finance, Ways & Means Committee

CONSENT CALENDAR

House Resolution No. 8 -- Memorials, Professional Achievement - Dr. Allan D. Spritzer, selection for Allen and Ruth Harris Chair of Excellence in Business. by *Davis (Washington), *Patton.

House Joint Resolution No. 13 -- Memorials, Sports - Omar Sneed, University of Memphis basketball star. by *Hargett.

House Joint Resolution No. 14 -- Memorials, Death - John Dooley. by *Walker (Rhea), *Curtiss.

House Joint Resolution No. 15 -- Memorials, Recognition and Thanks - Greater Imani Church's Calvary to Memphis Concept to commemorate Dr. Martin Luther King, Jr. at April 4, 1999 Easter service at Mid-South Coliseum. by *Brooks, *Pruitt, *Bowers, *Towns, *DeBerry L., *Brown.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....95
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Resolution No. 3 -- Memorials, Personal Achievement - Wanda Crouch Walker, 1999 Tennessee Mother of the Year. by *Boyer.

On motion of Rep. Boyer, **House Resolution No. 3** was withdrawn from the House.

RULES SUSPENDED

Rep. Patton moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 27** out of order, which motion prevailed.

Senate Joint Resolution No. 27 -- Naming and Designating - Dedication of Dr. Charles C. Sherrod Library, East Tennessee State University. by *Crowe, *Ramsey.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Patton, the resolution was concurred in.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 1, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 10; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 1, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 13, 14, and 15.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 1, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 15; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

April 1, 1999

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 10 and 15.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 1, 1999

The Speaker signed the following: House Joint Resolution(s) No(s). 10 and 15

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 1, 1999

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 8; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 1, 1999

The Speaker signed the following: House Resolution(s) No(s). 8.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 1, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 10 and 15; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 1, 1999

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 10 and 15.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 1, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 27; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 1, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 27.

ROLL CALL

The roll call was taken with the following results:

Present.....94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 5:00 p.m., Monday, April 5, 1999.